UNITED NATIONS

ECONOMIC
AND
SOCIAL COUNCIL

Distr.
GENERAL

E/CN.4/1985/26/Add.2
16 October 1984

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-first session
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Addendum

YUGOSLAVIA 1/

[24 July 1984]

1/ The initial and second reports submitted by the Government of Yugoslavia (E/CN.4/1353/Add.8 and E/CN.4/1983/24/Add.7) were considered by the Group of Three at its 1981 and 1983 sessions respectively.

GE.84-18363

I

This report is submitted in reply to the Secretary General's Note No. G/SO.237/5/2 of 10 May 1983.

In accordance with article VII of the Convention, the preceding detailed reports submitted by the Socialist Federal Republic of Yugoslavia on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (hereinafter called the Convention) illustrated that the national legislation of Yugoslavia had ensured the full implementation of this Convention. Its implementation is ensured by the Constitution of Yugoslavia, as the supreme law of the country, (in its normative part i.e. articles 154, 160, 170, 171, 177) as well as by other laws, particularly the criminal legislation, by incriminating certain acts which might be qualified as the "crime of apartheid" as defined in article II of the Convention.

In the period under review, there have been no major changes in the Yugoslav national legislation with respect to the "crime of apartheid" and the obligations assumed under the Convention. Therefore, this report cannot but confirm once again that the Yugoslav national legislation has fully ensured the implementation of the Convention.

Furthermore, Yugoslavia has been constantly contributing to the implementation of the Convention by pursuing its over-all policy and particularly its foreign policy, based on peaceful coexistence and active co-operation among States and peoples on the footing of equality regardless of their differing social systems. In this context, Yugoslavia's activity is particularly manifested within the Movement of Non-Aligned Countries. Furthermore, it should be stressed that Yugoslavia has rendered its contribution to the implementation of the Convention both on bilateral and international levels, by refraining from any co-operation with and the rendering of any assistance to the countries, such as South Africa, which by their policies encourage the "crime of apartheid".

II

In addition to the aforementioned general information, the second part of this report is related to the data on and answers to the following questions which were assessed as the most relevant during the deliberations on the second periodic report submitted by Yugoslavia: (1) results of trials for the offences under article II of the Convention, and (2) implementation of article XI of the Convention i.e. the offences under article II of the Convention are not considered political criminal offences for the purpose of extradition. The answers to these questions are as follows:

1. In the period 1981-1982, 169 persons were sentenced in Yugoslavia for offences under article II of the Convention; in 1981, 108 persons were sentenced, 107 of them for provoking national, racial or religious intolerance, hatred or discord (art. 134 of the Criminal Code of Yugoslavia), and one person for extending assistance to the perpetrator of the criminal offence (art. 137 of the Criminal Code of Yugoslavia); in 1982, 61 persons were sentenced for provoking national, racial or religious intolerance, hatred or discord (art. 134 of the Criminal Code of Yugoslavia).

2. The Law on Criminal Procedure of Yugoslavia (chapter XXXI, arts. 524 to 540) provides for the institution of extradition of accused and convicted persons. Those provisions specify the conditions under which the accused or convicted person can be extradited to another State and the procedure therefor.

In addition to the provisions of the Law on Criminal Procedure concerning extradition of accused and convicted persons, it should be emphasized that Yugoslavia has concluded a considerable number of bilateral agreements on the extradition of the accused and convicted persons. However, it has not signed any such multilateral international agreement so far.

In cases where such bilateral agreements have been concluded, they will be applied and not the provisions of the Law on Criminal Procedure.

As regards the offences under article II of the Convention, and taking into consideration the provisions of the Law on Criminal Procedure and the solutions provided for in the existing international agreements on extradition of accused and convicted persons, these offences are treated in Yugoslavia as acts subject to extradition of accused and convicted persons. Neither the Law on Criminal Procedure nor the existing bilateral agreements contain specific provisions to that effect, however such a stand emanates from discussions on which criminal offences - according to bilateral agreements - are considered political criminal offences. Thus, in accordance with those agreements and Yugoslav practice, the offences under article II of the Convention are not considered political criminal offences and therefore there are no grounds for denying extradition of accused and convicted persons who committed such criminal offences.